



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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**MINUTES**  
**AUGUST 24, 2010**

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The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, Gary Renz, Robert Melillo, Terry Tierney and Alternates Elmer Palma and Patrick Venuti. Also present was Planning Director Dennis Elpern.

Absent were Walter Hoo and Alternate Thomas Spegnolo

Chairman Melillo asked Mr. Palma to take Mr. Hoo's place for the items on tonight's agenda.

Mr. Kovacs led the Commission in the Pledge of Allegiance.

Mr. Haddad made a motion to accept the minutes of June 8, 2010 & July 13, 2010. Mr. Tierney seconded the motion and it was passed unanimously. Chairman Melillo noted that the following regular meetings had been cancelled: June 22, 2010, July 27, 2010 & August 10, 2010.

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**PUBLIC HEARINGS:**

Mr. Renz read the legal notice for all three public hearings.

7:30 PM – Petition of Danbury Billiards & Café, 28 Federal Rd. (#K13014) for Special Permit for Café Liquor License.

Gregory Nunes, one of the partners in this business, spoke in favor of this request. He said they felt there is a need for a pool hall in Danbury. He said they intend to have 6-7 employees and open from noon to one AM every day. They will have a small kitchen and approximately 19 tables. They want to run an operation similar to Boston Billiards. Mr. Farah asked if any of the partners had any experience selling or serving alcohol. Mr. Nunes said none of them do. Mr. Jowdy asked if they have hired any staff yet. Mr. Nunes said they have not. Mr. Haddad asked where exactly on Federal Rd. this is located. Mr. Nunes described the location. Mr. DiCaprio asked how many parking spaces they have. Mr. Nunes said they have to add 20 more spaces as part of their approval. Chairman Melillo asked if they have any plan on how they will handle rowdy or unruly patrons. Mr. Nunes said they had not thought about it. Mr. Kovacs asked if the only access is from Federal Rd. Mr. Nunes said it is. Mr. Farah asked how many people they can have on site. Mr. Nunes said he was not sure.

Mr. Elpern pointed out the criteria in Sec. 3.F.2. of the Zoning Regulations. He said this has received site plan approval for the use. Chairman Melillo said all of the members were provided a copy of the site plan approval letter in their packet. Mr. Farah asked if the Lori's Dance Studio is considered a school. Mr. Elpern said it is not.

Mr. Renz made a motion to close the public hearing. Mr. Kovacs seconded the motion and it was passed unanimously. Mr. DiCaprio made a motion to move this to Old Business. Mr. Renz seconded the motion and it was passed unanimously.

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7:45 PM – Application for Certificate of Location Approval for a Used Card Dealer's License for Grand Prix Motors Inc., 90 Federal Rd. (#K11109).

Joe LoStocco, vice-president of Grand Prix Motors, explained that they are moving this business to this new bigger location in order to be able to do more on-site such as repairs. The previous location was very small, all they had was a small office and the rest of the site was used to display cars that were for sale. He said he had worked with the Planning Department and had received site plan approval for this. He said they have to do some improvements to the parking and put in a sidewalk. He added that they will have five repair bays and a customer waiting area, as well as a much larger office space. There will be a small vehicle display area and a storage area that is accessed from Morgan Ave. He said all of these details were included in the site plan approval.

Chairman Melillo asked if there was anyone to speak in opposition to this and there was no one.

Mr. Elpern pointed out that the sale, rental and repair of automobiles is a permitted use in this zone, CG-20. He also referenced Sec. 3.E.9. of the Zoning Regulations which states that service garages must be at least 500 ft. from schools, churches, hospitals, theaters, libraries or museums.

Mr. Jowdy asked if they would be keeping the other site too. Mr. LoStocco said no, their intent is to have all operations at this location. Chairman Melillo asked if any of the other Commission members had questions. The general consensus was that all members were familiar with this operation and had no other questions for the applicant.

Mr. Renz made a motion to close the public hearing. Mr. Jowdy seconded the motion and it was passed unanimously. Mr. DiCaprio made a motion to move this matter to Old Business. Mr. Farah seconded the motion and it was passed unanimously.

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8:00 PM – Application for Certificate of Location Approval for a Used Car Dealer's License for Archie's Auto Service, 233 White St. (#J13146). This location was previously approved w/stipulation on it.

Chairman Melillo asked if there was anyone present to speak in favor of this and there was no one. He explained that this is the old General Tire site and has a General Repair License with the stipulation that no cars be left outside overnight. Now this applicant is asking to

upgrade to a Used Car Dealer's license but needs the stipulation removed. This was referred to Corporation Counsel to determine whether it should go back to the Zoning Board of Appeals to remove the stipulation. Corporation Counsel decided that the Zoning Commission should hear it and decide it based on circumstances as they exist today. He added that all of the members were given copies of documentation explaining all of this.

Mr. DiCaprio suggested since no one is present, maybe they should just deny this without prejudice. Mr. Haddad pointed out that this site has two front yards now, although before the road was re-aligned it did not. Mr. Farah asked if this property as it exists today is currently in compliance. Chairman Melillo said he had spoken to the Zoning Enforcement Officer today about the fact that it currently is in violation of the previous approval. The Zoning Officer said he would contact the property owner and inform him of the violation. Mr. Kovacs asked if there were other properties in the City that have a similar stipulation on them. Mr. Haddad said he was fairly certain that some of the repair facilities on Mill Plain Rd., such as Monro Muffler and Goodyear, have similar stipulations on them. He then suggested they continue this matter until the next meeting. He said the reason for this would be that it would give the Zoning Officer time to contact the property owner and the Commission could see what his response was. Chairman Melillo asked if anyone else had anything to add and there was nothing.

Mr. Haddad made a motion to continue this matter for discussion purposes. Mr. DiCaprio seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Danbury Billiards & Café, 28 Federal Rd. (#K13014) for Special Permit for Café Liquor License.

Mr. DiCaprio made a motion to approve this petition for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Palma seconded the motion. Mr. Jowdy said he has concerns about the applicant's lack of experience in "the business" of both running a pool hall and serving liquor. He added that those two things combined have the potential to encourage the patrons to behave in a rowdy manner. Mr. Tierney said he also is concerned about them having enough security to control the crowd on busy nights. He agreed that their lack of experience may be detrimental to the business. Mr. DiCaprio said he shares these concerns, but the Commission cannot get involved in these issues. It will be the State Liquor Control Commission's responsibility. Mr. Palma said Mr. Jowdy is correct about needing experience to serve liquor. He said it is a big responsibility and they will have to hire good people. Mr. Farah said their approval goes with the site, not the specific applicants. They are not giving the liquor license; they are just giving the applicant permission to apply for a license. Chairman Melillo cited the building size and maximum capacity. There was no other discussion, so Chairman Melillo called for a vote on the motion to approve. It was passed unanimously with nine AYES (from Mr.

DiCaprio, Mr. Farah, Mr. Haddad, Mr. Jowdy, Mr. Kovacs, Mr. Renz, Mr. Tierney, Mr. Palma and Chairman Melillo).

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Application for Certificate of Location Approval for a Used Car Dealer's License for Grand Prix Motors Inc., 90 Federal Rd. (#K11109).

Mr. Tierney made a motion to approve this petition for the following reasons:

- This location has been found suitable for the business intended, with due consideration to its location in reference to schools, churches, theaters, traffic conditions, width of highway and effect on public travel.

Mr. Renz seconded the motion and it was passed unanimously by voice vote.

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OTHER MATTERS:

Mr. Farah made a motion to add the following item to tonight's agenda for acceptance and referral to the Planning Commission.

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 4.B.2., 4.D.2. & 4.G.7. of the Zoning Regulations. (Add "Housing Redevelopment Option" to RMF-4 & RH-3 Zones) Zoning Commission public hearing scheduled for September 28, 2010.

Mr. Palma seconded the motion and it was passed unanimously. Chairman Melillo then explained that they are adding this to tonight's agenda to get it referred to the Planning Commission so they can make their recommendation at their September 15<sup>th</sup> meeting. Mr. Kovacs made a motion to refer this to the Planning Commission for their recommendation. Mr. Haddad seconded the motion and it was passed unanimously.

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Chairman Melillo said the September 14<sup>th</sup> meeting would be cancelled so the next regular meeting is scheduled for September 28, 2010.

At 9:25 PM, Mr. Renz made a motion to adjourn. Mr. Palma seconded the motion and it was passed unanimously.